

Notice of Allowability

Application No.

09/510,500

Examiner

Matthew J. Ludwig

Applicant(s)

JABLONSKI ET AL

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/12/04.
2. ☒ The allowed claim(s) is/are 1-10, 21-29 and 48-62.
3. ☒ The drawings filed on 22 February 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ron Schoenbaum on January 27, 2005.

The application is amended as follows:

6.(currently amended) A method for delivering content to a consumer having a personal computer, said personal computer having a memory and a visual display, said personal computer being able to communicate with the Internet, said method comprising:

providing a wallpaper desktop program operational on the personal computer for displaying one or more wallpaper images on the visual display;

placing a wallpaper image file in the memory of the personal computer, said wallpaper image file being capable of being displayed as a wallpaper image on the visual display by said wallpaper desktop program;

selecting a clickable icon file based, at least in part, on a profile of a user of the personal computer, wherein the clickable icon file is selected by a program module that runs on a server and communicates with the wallpaper desktop program over a computer network;

in response to selection of the clickable icon file by the program module, placing ~~at least one~~ the clickable icon file into the memory of the personal computer, said clickable icon file being capable of being displayed as a clickable icon on the visual display by said wallpaper desktop program;

displaying said wallpaper image on the visual display; and

displaying said clickable icon with said wallpaper image, said clickable icon being persistently displayed on a desktop of the personal computer, whereby if said clickable icon is activated by the consumer, said wallpaper desktop

program causes the personal computer to access a predetermined web site on the Internet that provides an option to purchase an item associated with said wallpaper image.

48.(currently amended) A method for marketing a hard copy of an image, such as a poster, print, or the like, to a consumer having a personal computer, said personal computer having a memory and a visual display, said personal computer being able to communicate with the Internet, said method comprising:

Providing a wallpaper desktop program operational on the personal computer for displaying one or more wallpaper images on the visual display;

Placing a wallpaper image file in the memory of the personal computer, said wallpaper image file being capable of being displayed as a wallpaper image on the visual display by said wallpaper desktop program;

Placing at least one clickable icon file into the memory of the personal computer, said clickable icon file based, at least in part, on a profile of a user of the personal computer, wherein the clickable icon file is selected by a program module that runs on a server and communicates with the wallpaper desktop program over a computer network; said clickable icon file being capable of being displayed as a clickable icon on the visual display by said wallpaper desktop program

Displaying said wallpaper image on the visual display;

Displaying said clickable icon with said wallpaper image, said clickable icon being capable of being activated by the consumer, whereby, if said clickable icon is activated, said wallpaper desktop program causes the personal computer to access a predetermined web site on the Internet where the consumer can purchase a hard copy of said wallpaper image;

Providing a wallpaper web site through which the consumer may view a wallpaper image prior to placing said wallpaper image file into the memory of the personal computer;

Providing a consumer preference form at said wallpaper web site, and requiring the consumer to provide information to said form prior to placing said wallpaper image file into the memory of the personal computer; and

~~using the information from said form to determine~~ identifying additional wallpaper images of interest to the consumer based, at least in part, on consumer preference data provided via said form, and ~~for periodically~~ transmitting to the personal computer a notice that said additional wallpaper images are available for downloading to the memory, wherein the step of identifying the additional wallpaper images is performed by a program module which runs on a server system that communicates over a network with the personal computer.

51. (currently amended) A method of providing content to a consumer having a personal computer with a visual display, the method comprising:

providing a wallpaper desktop program operational on the personal computer for displaying one or more wallpaper images on the visual display;

selecting a wallpaper image to display on the visual display of the personal computer; said wallpaper image represented by a wallpaper image file;

selecting a clickable image to display within the wallpaper image on the visual display of the personal computer, said clickable image represented by a clickable image file, and being associated with a URL, wherein the clickable image is selected by a ~~computer~~ program module based, at least in part, on user profile data, wherein the program module runs on a server system that communicates over a computer network with the wallpaper desktop program;

embedding the clickable image within the wallpaper image by combining file code of the clickable image file with file code of the wallpaper image file, to generate a modified wallpaper image that includes the clickable image; and

displaying the modified wallpaper image on the visual display as desktop wallpaper such that selection of the clickable image causes the personal computer to access the URL.

REASONS FOR ALLOWANCE

3. Claims 1-10, 21-29, and 48-62 Are allowed.
4. The following is an examiner's statement of reasons for allowance:

The prior art, USPN 6,101,529 to Chrabaszcz, teaches a wallpaper database from which a user could pull wallpaper images from based upon a user profile set up by the user. The server performs the operation of selecting wallpapers based on a user profile; however the wallpaper database program taught by Chrabaszcz fails to teach or suggest a wallpaper desktop program which includes a module stored on a server and capable of selecting a clickable icon file based on a user profile and persistently displaying said clickable icon with said wallpaper image, whereby if said clickable icon is activated by the consumer, said wallpaper desktop program causes the computer to access a predetermined URL. The reference, USPN 5,905,492 to Straub et al., discloses a method of dynamically updating themes, which provides themed enhancements that can add text, hyperlinks, images, and other multimedia resources consistent with the theme to better convey factual information relating to the theme's topic. However, the theme enhancements are not provided by a server based on a user profile and persistently displayed with said wallpaper image for embedding into a desktop wallpaper system.

In reference to independent claim 1, the combination of claimed features, which include the wallpaper desktop program that displays wallpaper images, the program module located and running on the server that selects a clickable icon based on a profile of a user of the wallpaper desktop program, and the merging of the wallpaper image with the clickable icon for presentation on a display, whereby the consumer could activate the clickable icon and cause the wallpaper desktop program to access a predetermined URL

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is not shown in the prior art of record and would not have been obvious to one of ordinary skill in the art to have combined the prior art of record to come up with applicant's claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Ludwig whose telephone number is 571-272-4127. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML
January 28, 2005


STEPHEN HONG
SUPERVISORY PATENT EXAMINER